

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

DAVID SAMUEL MARTINEZ-VELEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 02-2515 (JAF)

(Criminal No. 95-029)

**O R D E R**

Petitioner, David Samuel Martínez-Vélez, requests a certificate of appealability from this court to appeal our dismissal on July 21, 2006, of his 28 U.S.C. § 2255 petition. See 28 U.S.C. § 2253(c)(2) (1996).

A certificate of appealability may be granted only upon a substantial showing of the denial of a constitutional right. 28 U.S.C. §§ 2253(c)(2) and (3) (1996). Upon reviewing the record, we find Petitioner's claim entirely insubstantial for the reasons stated in our Opinion and Order of July 21, 2006, Docket Document No. 60. Accordingly, we **DENY** Petitioner's request for a certificate of appealability, Docket Document No. 64.

**IT IS SO ORDERED.**

San Juan, Puerto Rico, this 10<sup>th</sup> day of October, 2006.

S/José Antonio Fusté  
JOSE ANTONIO FUSTE  
Chief U. S. District Judge